

3 FAM 2930

SPECIAL SELECTION PRIORITY FOR THE DEPARTMENT'S LOCAL SURPLUS OR DISPLACED EMPLOYEES

*(CT:PER-643; 06-23-2011)
(OFFICE OF ORIGIN: HR/CSHRM)*

3 FAM 2931 DEFINITIONS

(CT:PER-517; 02-10-2005)

(State Only)

(Applies to Civil Service Employees in the Competitive Service Only)

For purposes of this subchapter, the terms used have the meaning found at 3 FAM 2914 and in 5 CFR 330.604.

3 FAM 2932 GENERAL PROVISIONS

(CT:PER-517; 02-10-2005)

(State Only)

(Applies to Civil Service Employees in the Competitive Service Only)

- a. The Department of State will provide special selection priority pursuant to 5 CFR 330.605 to eligible well-qualified displaced or surplus Civil Service employees within the meaning of 5 CFR 330.604(c)(1), (c)(2), (i)(1), or (i)(2) who apply for vacant positions in the Department.
- b. Special selection priority will also be provided to employees in tenure group 1 and 2 serving on Schedule A or B excepted service appointments without time limits in accordance with 330.604(i)(3). Such employees may exercise special selection priority for permanent excepted service positions within the Department of State's local commuting area, provided the position to which appointed has the same appointing authority, i.e., Schedule A or B, as the position from which being separated.

3 FAM 2933 ELIGIBILITY

3 FAM 2933.1 Requirements

(CT:PER-517; 02-10-2005)

(State Only)

(Applies to Civil Service Employees Only)

To be eligible for the special selection priority under 3 FAM 2932 paragraphs (a) and (b), an individual must meet all of the following conditions outlined in 5 CFR 330.605:

- (a) Be a surplus or displaced employee as defined in 5 CFR 330.604(c)(1), (c)(2), (i)(1), (i)(2) or (i)(3);
- (b) Have a current performance rating or record of at least fully successful or equivalent;
- (c) Apply for a vacancy that is at or below the grade level from which the employee may be or is being separated. The position may not have greater promotion potential than the position from which the employee may be or is being separated. This does not preclude employees from applying for higher graded positions through merit promotion and/or other placement procedures;
- (d) Occupy a position in the same local commuting area as the vacancy or at the agency's discretion, occupy a position beyond the local commuting area. An eligible agency applicant outside of the local commuting area, however, can only exercise selection priority when there are no eligible surplus and displaced agency employees within the local commuting area who apply and are found well-qualified;
- (e) File an application for a specific vacancy within the time frames established by the Department;
- (f) Provide proof of eligibility as required under 5 CFR 330.608(a)(2); and
- (g) Be determined by the Department to be well qualified for the specific vacancy.

3 FAM 2933.2 Effective Date of Eligibility

(CT:PER-517; 02-10-2005)

(State Only)

(Applies to Civil Service Employees Only)

Eligibility for special selection priority begins on the date the Department

issues the employee the:

- (1) RIF separation notice,
- (2) Certificate of expected separation,
- (3) Notice of proposed separation for declining a directed reassignment or transfer of function outside of the local commuting area, or
- (4) Other official agency certification identifying the employee as being in a surplus organization or occupation, whichever is earliest (see 5 CFR 330.605(b)).

3 FAM 2933.3 Expiration of Eligibility

(CT:PER-517; 02-10-2005)

(State Only)

(Applies to Civil Service Employees Only)

a. Eligibility expires on the earliest of:

- (1) The RIF separation date, the date of the employee's resignation, retirement, or the date of separation from the agency (including separation under adverse action procedures for declining a directed reassignment or transfer of function or similar relocation to another local commuting area); or
- (2) Cancellation of the RIF separation notice, certificate of expected separation, notice of proposed removal for declining a directed reassignment or transfer of function outside the commuting area or other official agency certification identifying the employee as surplus; or
- (3) When an eligible employee receives a career, career-conditional, or excepted appointment without time limit in any agency at any grade level.

b. Declination of a career, career conditional, or excepted appointment (without time limit), for which the employee has applied and been rated well-qualified may result in the employee losing special selection priority eligibility for future Department vacancies. When there are compelling reasons for declining the appointment, the employee must submit his/her reasons in writing. The Director General or his/her designee will determine whether the employee loses eligibility for special selection priority for future vacancies within the Department.

3 FAM 2934 ORDER OF SELECTION FOR FILLING COMPETITIVE SERVICE VACANCIES

(CT:PER-517; 02-10-2005)

(State Only)

(Applies to Civil Service Employees Only)

Except as provided in 5 CFR 330.606(d), when filling vacancies within the Department, a Bureau or Office must select an employee eligible under this Program before selecting any other candidate from within or outside of the agency.

3 FAM 2934.1 Agency Notification

(CT:PER-643; 06-23-2011)

(State Only)

(Applies to Civil Service Employees Only)

HR/CSHRM will take reasonable steps to ensure that eligible employees are notified of Department vacancies and the requirements for them to be determined well qualified for the vacancy.

3 FAM 2934.2 Determining Well-Qualified Employees

(CT:PER-517; 02-10-2005)

(State Only)

(Applies to Civil Service Employees Only)

- a. Once an employee is determined to be eligible for special selection priority he/she must be able to obtain the necessary security clearance(s) for the position. In addition, in accordance with 5 CFR 330.604 (k), the employee must meet the criteria of a well-qualified employee as described below:
 - (1) Meets the basic qualification standards and eligibility requirements; for the position, including any medical qualifications, suitability, and minimum educational and experience requirements; and
 - (2) Satisfies one of the following qualifications requirements:
 - (a) Meets all selective factors where applicable. Meets appropriate quality rating factor levels as determined by the agency. Selective and quality ranking factors cannot be so

restrictive that they run counter to the goal of placing displaced and surplus employees. In the absence of selective and quality ranking factors, selecting officials will document the job related reason(s) the eligible employee is or is not considered to be well qualified; or

- (b) Is rated by the agency to be above minimally qualified in accordance with the agency's specific rating and ranking process. This means that the individual may or may not meet the Department's criteria for "best qualified", but would in fact, exceed the minimum qualifications for the position.
- (3) Is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;
- (4) Meets any special qualifying condition(s) that OPM has approved for the position; and
- (5) Is able to satisfactorily perform the duties of the position upon entry.

3 FAM 2934.3 Selection

(CT:PER-517; 02-10-2005)

(State Only)

(Applies to Civil Service Employees Only)

- a. Employees eligible for special selection priority who apply to vacancies and are determined to be well qualified will be referred for consideration in alphabetical order.
- b. The Department makes no distinction between an eligible well-qualified displaced or surplus employee. When two or more eligible displaced or surplus employees apply for a vacancy and are determined to be well qualified, the Bureau may select any of these eligible employees.
- c. A Bureau cannot select another candidate from within or outside of the Department as long as a well-qualified employee eligible for special selection priority is available.
- d. When no displaced or surplus employee applies or none is deemed well qualified, the Bureau must then select from the qualified employees who are eligible for placement under the Department's Priority Placement Program (PPP). When there are no candidates eligible for referral under PPP, other applicants are referred in accordance with the Department's Merit Promotion and Placement procedures or other application

procedures.

3 FAM 2934.4 Qualification Reviews

(CT:PER-643; 06-23-2011)

(State Only)

(Applies to Civil Service Employees Only)

- a. Whenever an eligible employee is determined not to be well qualified, an independent second review of the determination will be conducted and documented in writing by:
 - (1) *HR/CSHRM* or a subject-matter expert, at or above the grade level of the vacancy, or
 - (2) A qualified human resources specialist who did not serve as a member of the rating panel.
- b. *HR/CSHRM* or a bureau with delegated human resources management authority must advise the applicant of the results of the second review.

3 FAM 2934.5 Dispute Resolution

(CT:PER-643; 06-23-2011)

(State Only)

(Applies to Civil Service Employees Only)

- a. The Director General or his/her designee will resolve any disputes concerning special selection priority and render a final decision.
- b. Non-selection of an eligible well-qualified employee must be documented in writing and submitted to the Bureau of Human Resources, Office of Civil Service *Human Resource* Management, (*HR/CSHRM*), for submission to the Director General.

3 FAM 2935 THROUGH 2939 UNASSIGNED